

**IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN
DISTRICT OF ATLANTA**

Kyanna Echols,

Plaintiff,

v.

LOUIS DEJOY, POSTMASTER
GENERAL,
U.S. POSTAL SERVICE,

Defendant.

Civil Action No.

Jury Trial
Demand

**COMPLAINT FOR DAMAGES,
DECLARATORY AND EQUITABLE RELIEF**

Plaintiff, by and through undersigned counsel files this Complaint for Damages and Equitable Relief, and shows the Court as follows:

I. Preliminary Statement

1. This action seeks actual damages, declaratory, injunctive and equitable relief, compensatory damages, and costs and attorney's fees for the disability discrimination, and reprisal and harassment suffered by Plaintiff Kyanna Echols ("Ms. Echols") in her treatment by Defendant.

II. Jurisdiction

2. This action is brought for disability discrimination, reprisal and

harassment under the Rehabilitation Act and Title VII of the Civil Rights Act of 1964, as amended. The jurisdiction of this court is invoked to secure protection and redress deprivation of rights secured by federal law which prohibits discrimination against employees because of their protected activities.

3. The jurisdiction of this Court is invoked pursuant to its original jurisdiction over cases and controversies arising under federal law, pursuant to 28 U.S.C. § 1331, and all prerequisites to bringing this suit have been met. This suit is properly before the court.
4. Plaintiff made timely informal Equal Employment Opportunity (hereinafter “EEO”) contact regarding counseling the claims at issue in this action.
5. Plaintiff was informed that she had a right to file a civil action, within ninety (90) calendar days from the date she received the decision. She files this action timely.

III. Venue

6. This action properly lies in the United States District Court for the Northern District of Atlanta, pursuant to 29 U.S.C. § 1391(b), because the claim arose in this judicial district, and pursuant to 42

in this district.

IV. Parties

7. Plaintiff was a Postal Support Employee with the U.S Postal Service in Nashville, TN at all relevant times.
8. Plaintiff is a citizen of the United States.
9. The Defendant is a federal government agency and has offices throughout the United States, including in Atlanta, GA.
10. Defendant is an employer, engages in an industry affecting commerce, and, upon information and belief, employs more than 500 regular employees.

V. Facts

11. Plaintiff was an employee of USPS at all times relevant to this complaint.
12. Plaintiff had a injured shoulder which was a medical condition that substantially impacted her major life activities of carrying, and the condition lasted more than six months.
13. Management was aware of Plaintiff's medical conditions from her first day as she gave the FMLA paperwork.
14. On or around December 1, 2018, Plaintiff was placed on a "deems desirable" list.

15. This was improper as, among other things, Plaintiff was protected under FMLA.
16. When issues arose in December 2018, on multiple occasions, the Agency failed to reasonable accommodate Plaintiff's condition and sent her home.
17. On December 21, 2018, the Agency allowed Plaintiff to work all night but then the next morning told her there was no work available.
18. But, there was light duty work available.
19. The Agency accommodated Plaintiff before it became aware that she filed an EEO charge.
20. At the end of December 2018, Plaintiff was constructively discharged and resigned because of a hostile work environment to include FMLA violations, and failure to accommodate.

VI. Count I: Violation of Title VII of the Civil Rights Act of 1964 based on reprisal (harassment and disparate treatment).

21. Plaintiff incorporates by reference the proceeding paragraphs of this complaint as if fully set forth herein.
22. Any employment actions were not free from discrimination based on reprisal and/or were because of reprisal.
23. The harassment would have dissuaded a reasonable employee from engaging in protected conduct.

- 24. The harassment was based on reprisal.
- 25. The harassment was unwelcome.
- 26. The harassment caused Plaintiff damages for which Defendant is responsible.
- 27. Defendant subjected Ms. Echols to retaliation in violation of Title VII, causing Ms. Echols damages.

VII. Count II: Violation of Rehabilitation Act – Harassment and Disparate Treatment

- 28. Plaintiff incorporates by reference the proceeding paragraphs of her complaint as if fully set forth herein.
- 29. Plaintiff is a qualified individual with a disability.
- 30. Plaintiff is member of a protected class.
- 31. Defendant was aware of Plaintiff's disability.
- 32. Plaintiff was qualified to perform her duties as a Postal Support Employee.
- 33. Any employment actions were not free from discrimination based on disability and/or were because of disability.
- 34. The Agency failed to reasonable accommodate Plaintiff leading to her constructive removal.
- 35. The harassment was severe and/or pervasive.
- 36. The harassment was based on disability.

37. The harassment was unwelcome.
38. The harassment caused Plaintiff damages for which Defendant is responsible.
39. Defendant subjected Ms. Echols to disability discrimination and disability-based harassment in violation of the Rehabilitation Act, causing Ms. Echols' damages.

Prayer for Relief

40. Wherefore, Plaintiff prays that this Court:
 - a. declare the conduct engaged from the Defendant to be in violation of her rights;
 - b. enjoin the Defendant from engaging in such conduct;
 - c. award Ms. Echols actual and compensatory damages;
 - d. award Ms. Echols costs and attorney's fees; and
 - e. grant such other relief as it may deem just and proper

Jury Demand

41. Plaintiff requests a jury trial on all questions of fact raised by this Complaint.

Respectfully submitted today,

SOUTHWORTH, P.C.

A handwritten signature in black ink, appearing to read 'Shaun Southworth', with a long horizontal flourish extending to the right.

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